

Exhibit 1

Proof of Claim

B 10 (Official Form 10) (12/11)

UNITED STATES BANKRUPTCY COURT Southern District of New York		PROOF OF CLAIM
Name of Debtor: GMAC LLC 3451 HAMMOND AVE WATERLOO IA 50780	Case Number: 12-12020 --doc 1026	<div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin-bottom: 10px;">SEP 04 2012</div> <div style="font-weight: bold; margin-bottom: 10px;">KURTZMAN CARSON CONSULTANTS</div> <div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold; margin-bottom: 10px;">COURT USE ONLY</div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: <u>00561642</u> (If known) Filed on: <u>07/06/2012</u> </div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. </div>
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): JULIO PICHARDO		
Name and address where notices should be sent: JULIO PICHARDO 1201 E. SUDENE AVE FULLERTON CA, 92831		Telephone number: (714) 447-4207 email: ri7sam1@yahoo.com
Name and address where payment should be sent (if different from above): SAME AS ABOVE		
Telephone number: email: SAME		
1. Amount of Claim as of Date Case Filed: \$ <u>650,000.00</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>COLLECTION PRACTICES -- PERSONAL INJURY</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">7 3 7 4</div>	3a. Debtor may have scheduled account as: <u>JULIO- ROCIO PICHARDO</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: 1201 E Sudene Ave Fullerton Ca, 92831		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: <div style="text-align: right;">\$ _____</div>
Value of Property: \$ <u>245,000.00</u>		Basis for perfection: _____
Annual Interest Rate <u>1.000%</u> <input checked="" type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
Amount entitled to priority: \$ _____		
*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of		



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7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

RECEIVED

SEP 04 2012

8. Signature: (See instruction #8)

KURTZMAN CARSON CONSULTANTS

Check the appropriate box.

- ☒ I am the creditor. ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: JULIO PICHARDO

Title: self

Company: n/a

Address and telephone number (if different from notice address above):

1201 E SUDENE AVE
FULLERTON CA 92831

Julio Pichardo 8/26/12
(Signature) (Date)

Telephone number: (714) 447-4207 email: ri7sam1@yahoo.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

**ResCap Claim Processing Center
c/o KCC
2335 Alaska Ave
El Segundo, CA 90245**

8/31/2012

Processing Center; enclosed please find proof of claim filled out documents as per judge Glenn's instructions of hearing held 8/29/2012 motion denied dated 9/30/2012, case #12-12020 docs 1026 - 1235 -1233 - 1273.

Please file same.

In regards to position asserted by GMAC counsel on enclosed document please direct on counsel's asserted prosecution of portion of case on enclosed answer to action filed case# 30-2012-00582642 2nd paragraph page two of response to CA, court.

Additional forms sent to New York Southern District Bankruptcy Court.

Thank you.

Julio Pichardo._____

Severson & Werson

A Professional Corporation

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July 30, 2012

VIA FIRST CLASS MAIL

Amid T. Bahadori
Bryan M. Thomas
BAHADORI & THOMAS, LLP
2 Park Plaza, Suite 450
Irvine, CA 92612

Re: *Julio Pichardo v. GMAC Mortgage, LLC*
Orange County Superior Court Case No. 30-2012-00581642-CU-CL-CJC

Dear Messrs. Bahadori and Thomas:

We are writing to inform you that Residential Capital and certain of its direct and indirect affiliates (the "Debtors"), including Defendant GMAC Mortgage, LLC ("Defendant"), filed petitions for relief under Chapter 11 of the United States Bankruptcy Code on May 14, 2012 (the "Petition Date") in the United States Bankruptcy Court (the "Bankruptcy Court") for the Southern District of New York (Case No. 12-12020(MG)). As a result, as of the Petition Date, the automatic stay under section 362(a) of the United States Bankruptcy Code went into and remains in effect as to the Debtors.

On July 13, 2012, the Bankruptcy Court entered a final supplemental order granting, among other things, the Debtors' Motion for Limited Relief from the automatic stay to permit certain foreclosure and eviction proceedings, borrower bankruptcy cases and title disputes to proceed (the "Final Supplemental Order"). Paragraphs 14, 15, 16 and 17 of the Final Supplemental Order identify the categories of defenses, claims and counter-claims for which the automatic stay has been modified (the "Permitted Claims"). A copy of the Final Supplemental Order is enclosed.

We understand that on July 6, 2012, you filed the above-captioned lawsuit against Defendant (the "Lawsuit"). Based upon a review of the current status of the Lawsuit, the following claims (Violation of the Fair Debt Collection Practices Act, Negligent Misrepresentation, Violation of California Business & Professions Code section 17200 and 17500) are not Permitted Claims because they are outside of the scope of the relief covered in the Final Supplemental Order (the "Stayed Claims"). The continued prosecution of the Stayed Claims would violate the automatic stay, 11 U.S.C. § 362(a)(1), which expressly precludes "the commencement or continuation . . . of a judicial, administrative, or other action or proceeding

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Amid T. Bahadori
Bryan M. Thomas
July 30, 2012
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against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title." Accordingly, the continued prosecution of the Stayed Claims is prohibited.

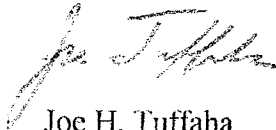
The remaining claims asserted in your Lawsuit constitute Permitted Claims under the Final Supplemental Order and you may continue to prosecute these claims in accordance with the terms of that order.

Please note that all actions taken in violation of the automatic stay are void and parties may be held in contempt of court for violating the stay. Bartel v. Eastern Airlines, 1998 U.S. App. LEXIS 71, at *5 (2d Cir. 1998) (acknowledging bankruptcy court's power to impose civil contempt sanctions where a party is aware of the automatic stay and willfully ignores it); Fidelity Mortgage Investors v. Camelia Builders, Inc., 550 F.2d 47 (2d Cir. 1976).

Defendant expressly reserves all rights and remedies with respect to your Lawsuit.

Should you have any questions, feel free to contact the undersigned.

Sincerely,



Joe H. Tuffaha

JHT/jsw
Enclosure